

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
BRISCOE et al.

Serial No. 09/674,720

Filed: November 6, 2000



Atty. Ref.: 36-1385

TC/A.U.: 3629

Examiner: Thai, C.

For: COMMUNICATIONS NETWORK

* * * * *

March 28, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on

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the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

1. ☐ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required. In the event, a first Office Action has been mailed prior to filing of the present Information Disclosure Statement, the Office is requested to treat the present paper s a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

2. ☒ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. ☒ Attached is our check in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice

of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).

- a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☒ Also attached is a copy of a Response filed by British Telecommunications public limited company (the assignee of the present U.S. application) in corresponding application no. EP 99 925 201.8-2415 dated November 20, 2003.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☒ The Examiner's attention is directed to co-pending U.S. Patent Application Nos. 09/674,706, filed November 6, 2000 and 09/674,717, filed November 6, 2000, (copies attached) which are directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

8. ☐ Copies of the documents were cited by or submitted to the Office in Application No. , filed , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

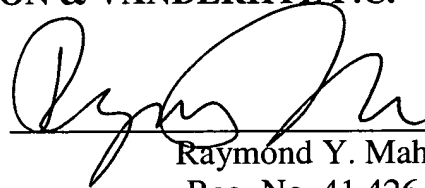
It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 36-1385.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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INFORMATION DISCLOSURE
CITATION

ATTY. DOCKET NO.

SERIAL NO.

36-1385

09/674,720

APPLICANT

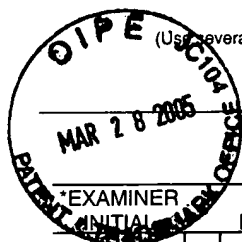
BRISCOE et al.

FILING DATE

TC/A.U.

November 6, 2000

3629



U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,338,046	01/2002	SAARI et al.			
	5,440,547	08/1995	EASKI et al.			
	4,796,297	01/1989	OKAMOTO			
	6,667,956	12/2003	BESHAI et al.			
	6,408,174	06/2002	STEIJER			
	6,480,470	11/2002	BREIVIK			
	5,956,331	09/1999	RAUTIOLA et al.			
	5,631,897	05/1997	PACHECO et al.			
	6,625,657	09/2003	BULLARD			
	6,098,878	08/2000	DENT et al.			
	5,978,456	11/1999	TAKEUCHI et al.			

FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
0837578 A	04/1998	EUROPE			x
2311439	09/1997	GREAT BRITAIN			x
0647055 A1	04/1995	EUROPE			x
0622941 A2	11/1994	EUROPE			x
WO 95/27385	10/1995	WIPO			x

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

	Nishibe et al., "Distributed Channel Allocation in ATM Networks", PROCEEDINGS OF THE GLOBAL TELECOMMUNICATIONS CONFERENCE (GLOBECOM), Houston, November 29, 1993, pages 417-423 XP000428091
	Sloman et al., "Domain Management and Accounting in an International Cellular Network", BNSDOCID:<XP 199363A, 4/93, pgs. 193-204
	Appleton, "Performance Related Issues Concerning the Contract Between Network and Customer in ATM Networks", TELECOMMUNICATION ACCESS NETWORKS: TECHNOLOGY AND SERVICE TRENDS PROCEEDINGS OF THE IX INTERNATIONAL SYMPOSIUM ON SUBSCRIBER LOOPS AND SERVICES (ISSLS), AMSTERDAM, April 22-26, 1991, no. SYMP. 9, pages 182-188, XP000516590
	Honig, M.L., et al., Usage-based Pricing of Packet Data Generated by a Heterogeneous User Population, INFOCOM '95, Fourteenth Annual Joint Conference of the IEEE Computer and Communication Societies, April 1995, pages 867-874, vol. 2

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.